IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 687 of 2000()

CRL.A.NO.73/1996 OF SESSIONS COURT, KOTTAYAM
C.C.NO.133/1992 OF J.F.C.M. ETTUMANOOR

REVN. PETITIONER:

ALI, S/O.ABDUL KHADER,KALATHURKUNNEL HOUSE,
PADINJATTUMBHAGAM KARA,
ATHIRAMPUZHA VILLAGE,
KOTTAYAM.

BY ADV. SRI.MATHEW JOHN (K)

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.3772/2000 IN CRL.R.P.NO.687/2000

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

21/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.687 of 2000

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Dated this the 21st day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.133/1992 in the file of the Judicial Magistrate of the First Class, Ettumanoor, who stands convicted for the offence under Section 379 I.P.C and sentenced to undergo simple imprisonment for six months.

2. The prosecution case is that on 20/02/1992 at about 2.30 a.m the accused was found moving with a tethered buffalo which was found to be stolen through the M.C road at Parolickal. The value of the buffalo is mentioned as Rs.1,300/-.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that since the date of the incident more than 15 years have elapsed and so far the accused was facing the criminal proceedings and has undergone considerable mental strain. It is also submitted that he is the only earning member of his family. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 379 I.P.C is modified to pay a fine of rupees five thousand and in default to

undergo simple imprisonment for six months. The criminal revision petition is disposed of as above.

Sd/-
K.R.UDAYABHANU,
Judge

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